

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Justin Deveroux,) No. CV 11-1431-PHX-FJM

Plaintiff,) **ORDER**

vs.)

Imperial Credit Systems Inc.,)

Defendant.)

The court has before it plaintiff's motion for extension of time to file dismissal. (Doc.

9). Plaintiff asks that we not dismiss the case until after the last payment is due under the parties' settlement agreement. However, this assumes that the claim would be resurrected if the payment were not made. But as our order of August 29, 2011 stated, the settlement constitutes an accord which extinguishes the underlying claim. Any breach would require suit on the agreement, not on the extinguished claim. Thus, nothing is gained by extending the time for dismissal. Accordingly, it is ORDERED DENYING the motion for extension. (Doc. 9). It is further ORDERED dismissing this action with prejudice, each party to bear its own costs and fees.

DATED this 29th day of September, 2011.

Frederick J. Martone

Frederick J. Martone
United States District Judge